



**FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION FORM**

**RETURN TO:**

Office of Management Authority  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, Room 700  
Arlington, VA 22203  
1-800-358-2104 or 703-358-2104

**Type of Activity:**

**EXPORT OF RAPTORS**

<b>A. COMPLETE IF APPLYING AS AN INDIVIDUAL</b>			
1. Name:			
2. Street address:			3. County:
4. City, State, Zip code:			
5. Date of birth:	6. Social Security No.:	7. Occupation:	
8. List any business, agency, organizational, or institutional affiliation associated with the wildlife to be covered by this license or permit:			
9. Home telephone number:	10. Work telephone number:	11. Fax number:	12. E:mail address:

<b>B. COMPLETE IF APPLYING AS A BUSINESS, CORPORATION, PUBLIC AGENCY OR INSTITUTION</b>			
1. Name of business, agency or institution:			2. Tax identification no.:
3. Street address:			4. County:
5. City, State, Zip code:			
6. Describe the type of business, agency, or institution:			
7. Name and title of person responsible for permit (president, principal officer, director, etc.):			
8. Home telephone number:	9. Work telephone number:	10. Fax number:	11. E:mail address:

<b>C. ALL APPLICANTS COMPLETE</b>	
1. Do you currently have or have you had any Federal Fish and Wildlife License or Permit? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, list license or permit numbers:	
2. Have you obtained any required state or foreign government approval to conduct the activity you propose? Yes <input type="checkbox"/> No <input type="checkbox"/> Not required <input type="checkbox"/> If yes, provide a copy of the license or permit.	
3. Enclose check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$25. Institutions which qualify under 50 CFR 13.11(d)(3) may be exempt from fees.	
4. ATTACHMENTS: Complete the additional pages of this application. Application will not be considered complete without these pages. Incomplete applications may be returned.	
5. <b>CERTIFICATION:</b> I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a license or permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
6. Signature (in ink) of applicant or person responsible for permit in Block A or B	7. Date:

## D. EXPORT OF RAPTORS

1. Provide the following for EACH bird to be exported (attach separate paper if more than 3 birds):

<i>Scientific name</i> (genus and species)	<i>Common name</i>	<i>Hatch date</i>	<i>Sex</i>	<i>Source*</i>	<i>Band Number</i>
(a) _____	_____	_____	_____	_____	_____
(b) _____	_____	_____	_____	_____	_____
(c) _____	_____	_____	_____	_____	_____

\*Indicate if the raptor was taken from the wild (W) or bred in captivity (C).

2. If you are the **breeder**, sign (in ink) the following statement: I hereby certify that the animals listed above \_\_\_\_\_ (all or specify a., b., c., etc.) to be exported were bred in captivity from my parental stock at my facility :

Breeder's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Federal Raptor Propagation Permit Number: \_\_\_\_\_

Name and address of your facility where the birds were bred in captivity:

Name of facility: \_\_\_\_\_

Street: \_\_\_\_\_

City/state: \_\_\_\_\_

3. If you are **NOT the breeder** of the birds, provide the following: (a) a signed statement from the breeder or breeder's records that includes hatch date, band number, sex, complete name and address of the facility, and Federal Raptor Propagation Permit number and (b) copies of documentation (such as Service form 3-186A) showing that you acquired the birds from the breeder or history of multiple transactions.

4. Recipient: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Foreign city/country: \_\_\_\_\_

5. Provide a **written certification from the Management Authority** of the importing country that the recipient is an experienced falconer or raptor propagator who is required to maintain any raptors in his/her possession under the conditions that are comparable to the conditions under which a permittee must maintain raptors under 50 CFR 21.29 or 21.30. Certification is not required for shipments to the U.K. as long as the recipient is licensed with the appropriate authority in the U.K., since the U.K. has a program for falcons comparable to the Service's program.

6. a. Describe the type, size, and construction of any shipping container: \_\_\_\_\_

- b. Describe the arrangements for watering or otherwise caring for the wildlife during transport: \_\_\_\_\_

NOTE: If you need additional space, attach a separate piece of paper. If shipping by air, you must comply with the **International Air Transportation Association (IATA)** regulations (contact airline for information).

7. List the **U.S. port** through which the export will occur. If no port is indicated, export must be through a designated port for wildlife (see enclosed list).
8. For CITES **Appendix-I species**, provide a copy of the CITES import permit, or evidence one will be issued by the Management Authority of the country to which you plan to export the raptor.
9. Attach copies of your **Federal and State permits or licenses** which authorize your possession, acquisition, transfer or disposition of raptors or their eggs.

## *What You Need to Know...***About CITES Permits and Certificates**

**What Is CITES and How Does It Apply to Me?** The Convention on International Trade in Endangered Species (CITES) protects many species of animals and plants to ensure that commercial demand does not threaten their survival in the wild. It regulates trade in listed species and hybrids, including parts and products, through a system of permits. The Office of Management Authority administers CITES in the United States and processes applications for permits. Under CITES, a species is listed at one of three levels of protection, which have different permit requirements.

**Appendix I** -- Appendix I includes species presently threatened with extinction that are or may be affected by trade. CITES directs its most stringent controls at activities involving these species. A shipment requires two permits -- one from the importing country (obtained first) and another from the exporting country. Import permits may be granted when the purpose of the import will not be detrimental to the species' survival, is not primarily commercial, and the importer is suitably equipped to house and care for live animals and plants. Export permits may be granted when the export will not be detrimental to the species' survival and specimens were legally acquired. Import permits are valid for 1 year, export permits for 6 months.

**Appendix II** -- Appendix II species are not presently threatened with extinction but may become so if not regulated. CITES does not require import permits, but each shipment must be accompanied by a permit issued by the exporting country's Management Authority. Export permits may be issued for any purpose as long as the export will not be detrimental to the species' survival and the specimens were legally acquired. Export permits are valid for 6 months.

**Appendix III** -- Appendix III includes species listed by a range country to obtain international cooperation in controlling trade. An export permit is needed to ship specimens originating in a country that listed the species. A certificate of origin would need to be issued by a country other than the listing country when the specimen originated in that country.

**Re-export** -- Re-export certificates are required for the export of specimens that were previously imported, including items subsequently converted to manufactured goods. Certificates may be issued when evidence of legal import has been provided. If you were the original importer of the wildlife or plant, you need to provide a copy of the canceled CITES permit that accompanied the shipment into the United States and, for animal specimens, the cleared Declaration for Importation (Form 3-177) for that shipment. If you were not the importer, you must provide copies of the importer's documents, as well as documents (e.g., invoices) that show you purchased the wildlife or plant from the original importer, or a record of multiple transactions.

**Introduction from the Sea** -- An introduction from the sea permit is required for the import of Appendix I or II specimens taken in the marine environment but not under the jurisdiction of any country or state.

### **Certificates of Exemption**

*Pre-Convention Certificate:* If a specimen was obtained prior to the CITES listing date of that species -- collected from the wild or held in captivity -- it may be granted a pre-Convention certificate. For Appendix I specimens, no CITES import permit is required.

*Bred-in-Captivity Certificate or Certificate for Artificially Propagated Plants:* If a species meets the criteria for bred-in-captivity or artificially propagated as outlined in CITES resolutions, the exporting country may issue an exemption certificate (bred-in-captivity fact sheet available on request).

*Scientific Exchange Certificate:* Scientific institutions are eligible for this certificate, which authorizes import and export of museum and herbarium specimens. Such specimens must be shipped as non-commercial loans, donations, or exchanges among scientific institutions registered with CITES.

**What About Shipping Live Animals and Plants?** Permits for the shipment of CITES-listed live animals or plants may be issued only when the applicant demonstrates that the specimen will be humanely shipped. Live animal shipments must meet the International Air Transport Association (IATA) Live Animals Regulations or the CITES guidelines for transport. In addition, the import of live mammals and birds must meet the humane shipment regulations in 50 CFR Part 14.

### **Exceptions to Permit Requirements**

*In-transit Shipments:* Under CITES, a shipment transiting a country must be accompanied by a CITES permit from the exporting country to its final destination. The shipment must remain under Customs bond. Check with other countries involved in the shipment to meet their requirements.

*United States:* CITES imposes no controls on shipments between States or U.S. territories, including the District of Columbia, Guam, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, U.S. Virgin Islands, and American Samoa.

*Personal or Household Effects:* The United States recognizes an exemption found in the CITES treaty that allows for certain personal or household effects to be exported and imported without CITES permits. Wildlife and plants, or their parts and products, that are part of a household move or are accompanying the owner and intended for personal use may be:

- \* exported from the United States without CITES permits (check with the Management Authority in the country of import since many countries require an export permit, especially for Appendix I or live specimens) and
- \* imported without CITES permits, provided the foreign country does not require a CITES permit. Appendix I species acquired abroad may not be imported into the United States without CITES permits.

**Foreign Documentation --** If you are importing protected wildlife or plants, or their parts and products, from a country that is not a Party to CITES, you must obtain documents that contain all the information normally required by CITES. Contact the Office of Management Authority for documentation requirements and the address of the authority to contact in a non-CITES country.

**How Do I Apply for a CITES Permit or Certificate?** Complete a standard application form (3-200) and submit it with a \$25 processing fee to the Office of Management Authority. Allow at least 60 days for review. Also contact your State wildlife or plant conservation agency and the CITES Management Authority of the foreign importing or exporting country to determine any additional requirements. Some CITES-listed species are also protected by other U.S. laws with more stringent permit requirements, i.e., Endangered Species Act, Marine Mammal Protection Act, and Wild Bird Conservation Act. Contact the Office of Management Authority for additional information.



**For Further Information Contact:** Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, phone 703-358-2104 or 1-800-358-2104, fax 703-358-2281; internet <http://www.fws.gov/~9dia/index.html> (6/98)

## PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to the standard License/Permit Form 3-200 that must be completed as an application for a U.S. Fish and Wildlife Service permit. Please read the General Permit Procedures (50 CFR 13) sent with this package.

- \* Complete all appropriate blocks/lines. Print clearly or type in the information. *A complete application prevents delays!*
- \* Sign the application *in ink* and send an *original* to the address on the top of the application. Faxed copies will not be accepted.
- \* Applications will be processed in the order they are received.

Most of the application form is self-explanatory, but the following provides some further assistance for completing the form.

### COMPLETE EITHER BLOCK A OR BLOCK B:

- Block A. **"Complete if applying as an individual"** - Enter the complete name of the responsible party who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. All blocks must be completed. If you are applying on behalf of a client, the personal information must pertain to the client. A notarized document stating power of attorney must be included with the application.
- Block B. **"Complete if applying as a business, corporation, public agency or institution"** - Enter the complete name and address of the business, agency or institution who will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in, the name and phone number of the person in charge, and if the company is incorporated, the state in which it was incorporated.

### ALL APPLICANTS COMPLETE BLOCK C:

- Block C.1 **"Do you currently have or have had any Federal Fish and Wildlife license or permits?"** - List the number of any FWS or CITES permits. If applying for a renewal, the original permit must be returned with this application.
- Block C.2 **"Have you obtained any required state or foreign government approval to conduct the activity you propose?"** - If the proposed activity is regulated, check the appropriate box. If "yes", list the State or foreign countries involved and type of document required. Include a copy of these documents with the application. If "no" indicate what steps you have taken to secure approval (use attachment if necessary). If the proposed activity is not regulated check "not required".
- Block C.3 **"Check or money order (if applicable)"** - There is a permit processing fee unless you are fee exempt. Consult the enclosed APPLICATION PROCESSING FEE SCHEDULE information. Make the check or money order payable to the **U.S. Fish and Wildlife Service** and attach it to the application form. If fee exempt, write "exempt" in this space.
- Block C.4 **"Attachments"** - Consult the fact sheet or regulation. Provide any required additional information outlined on the supplemental page(s) of the application form. Be as complete and descriptive as possible. If there is any doubt as to the information's relevance, include it with the application. An incomplete or unclear application may cause delays in processing.
- Block C.5 **"CERTIFICATION"** - The **individual applicant in Block A, the person named in Block B, or person with power of attorney must sign and date** the application in ink. This signature binds that person to the statement of certification. This means that you certify that you read and understood the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application before signing.

## Application for a Federal Fish and Wildlife License/Permit

### **PRIVACY ACT - NOTICE**

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), please be advised that:

The gathering of information on fish and wildlife is authorized by: (a) Bald Eagle Protection Act (16 U.S.C. 663a); (b) Endangered Species Act of 1973 (16 U.S.C. 1539); (c) Migratory Bird Treaty Act (16 U.S.C. 703-711); (d) Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383); (e) Wild Bird Conservation Act (16 U.S.C. 4901-4916); (f) Lacey Act (18 U.S.C. 42 & 44); and (g) Title 50, Part 13, of the Code of Federal Regulations.

Submission of requested information is required in order to process applications for licenses or permits authorized under the above acts. With the exception of your social security number, failure to provide all requested information will be sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.

Applications for license or permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383) will be published in the **Federal Register** as required by the two acts.

In the event a violation of a statute, regulations, rule, order, or license, whether civil, criminal, or regulatory in nature is discovered during the application review process, the requested information may be transferred to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting such violations.

In the event of litigation involving the records or the subject matter of the records, the requested information may be transferred to the U.S. Department of Justice or appropriate law enforcement authorities.

Information provided in the application may be disclosed to subject matter experts, and State and other Federal agencies, for the sole purpose of obtaining advice relevant to issuance of the permit.

For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.

### **FREEDOM OF INFORMATION ACT - NOTICE**

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

### **APPLICATION PROCESSING FEE**

The fee to process a permit application is \$25.00. Checks should be made payable to "U.S. Fish and Wildlife Service". The fee applies to permit applications, renewals, and amendments. The processing fees shall not be refunded if the permit is issued or denied, or if the application is abandoned.

The fee schedule does not apply to any Federal, State, or local government agency or individual or institution under contract to such agency for the proposed activities. Until further notice, the fee will be waived for public institutions. As defined in CFR 10.12 - "Public as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately owned and organized, but not operated for a profit."

## APPLICATION PROCEDURES -- EXCERPTS FROM 50 CFR 13 -- GENERAL PERMIT PROCEDURES

### Subpart A -- Introduction

#### § 13.1 General.

Each person intending to engage in an activity for which a permit is required by this subchapter B shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by this subchapter must make application for such permit in accordance with the requirements of this part 13 and the other regulations in this subchapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one part of this subchapter, the requirements of each part must be met. If the information required for each specific permitted activity is included, one application will be accepted for all permits required, and a single permit will be issued.

#### § 13.2 Purpose of regulations.

The regulations contained in this part provide uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration of all permits issued pursuant to this subchapter B.

#### § 13.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of this subchapter and apply to all permits issued thereunder, including "Import and Marking" (part 14), ~~"Feather Imports"~~ ["Wild Bird Conservation"] (part 15), "Injurious Wildlife" (part 16), "Endangered Wildlife and Plants" (part 17), "Marine Mammals" (part 18), "Migratory Birds" (part 21), "Eagles" (part 22) and "Endangered Species Convention" (part 23). As used in this part 13, the term "permit" shall refer to either a license, permit, or certificate as the context may require.

#### § 13.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of this subchapter B, and will not be unlawful.

### Subpart B -- Application for Permits

#### § 13.11 Application procedures.

The Service may not issue a permit for any activity authorized by this subchapter B unless the applicant has filed an application in accordance with the following procedures. Applicants do not have to submit a separate application for each permit unless otherwise required by this subchapter.

(a) *Forms.* Applications must be submitted in writing on a Federal Fish and Wildlife License/Permit Application (Form 3-200) or as otherwise specifically directed by the Service.

(b) *Forwarding instructions.* Applications for permits in the following categories should be forwarded to the issuing office indicated below.

(1) Migratory bird banding permits (50 CFR 21.22) -- Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Maryland 20708. (Special application forms must be used for bird banding permits. They may be obtained by writing to the Bird Banding Laboratory).

(2) Exception to designated port (50 CFR part 14), import/export license (50 CFR 14.93), migratory bird permit, other than banding (50 CFR part 21) and Bald or Golden eagle permits (50 CFR part 22) -- Assistant Regional Director for Law Enforcement of District in which the applicant resides (see 50 CFR 10.22 for addresses and boundaries of the Law Enforcement Districts).

(3) ~~Feather quota~~ [Wild bird conservation] (50 CFR part 15), injurious wildlife (50 CFR part 16), endangered and threatened species (50 CFR part 17), marine mammal (50 CFR part 18) and permits and certificates for the Convention on International Trade in Endangered Species (CITES) (50 CFR part 23) -- U.S. Fish and Wildlife Service, ~~Federal Wildlife Permit Office, P.O. Box 3654~~, [Office of Management Authority, 4401 N. Fairfax Drive, Room 700,] Arlington, Virginia 22203.

(c) *Time notice.* The Service will process all applications as quickly as possible. However, it cannot guarantee final action within the time limits the applicant requests. Applicants for endangered species and marine mammal permits should submit applications to the Office of Management Authority which are postmarked at least 90 calendar days prior to the requested effective date. Applicants for all other permits should submit applications to the issuing office which are postmarked at least 60 days prior to the requested effective date.

(d) *Fees.* (1) Unless otherwise exempted by this paragraph, applicants for issuance or renewal of permits must pay the required permit processing fee at the time of application. Applicants should pay fees by check or money order made payable to "U.S. Fish and Wildlife Service." The Service will not refund any application fee under any circumstances if the

Service has processed the application. However, the Service may return the application fee if the applicant withdraws the application before the Service has significantly processed it.

(2) Except as provided in paragraph (d)(4) of this section, the fee for processing any application is \$25.00. If regulations in this subchapter require more than one type of permit for an activity, and the permits are issued by the same office, the issuing office may issue one consolidated permit authorizing the activity. The issuing office may charge only the highest single fee for the activity permitted.

(3) A fee shall not be charged to any Federal, State or local government agency, nor to any individual or institution under contract to such agency for the proposed activities. The fee may be waived or reduced for public institutions (see 50 CFR 10.12). Proof of such status must accompany the application.

(4) *Nonstandard fees.*

Marine Mammal (Section 18.31)... 100

(e) *Abandoned or incomplete applications.* Upon receipt of an incomplete or improperly executed application, or if the applicant does not submit the proper fees, the issuing office will notify the applicant of the deficiency. If the applicant fails to supply the correct information to complete the application or to pay the required fees within 45 calendar days of the date of notification, the Service will consider the application abandoned. The Service will not refund any fees for an abandoned application.

### **§ 13.12 General information requirements on applications for permits.**

(a) General information required for all applications. All applications must contain the following information:

(1) Applicant's full name, mailing address, telephone number(s), and,

(i) If the applicant is an individual, the date of birth, height, weight, hair color, eye color, sex, and any business or institutional affiliation of the applicant related to the requested permitted activity; or

(ii) If the applicant is a corporation, firm, partnership, association, institution, or public or private agency, the name and address of the president or principal officer and of the registered agent for the service of process;

(2) Location where the requested permitted activity is to occur or be conducted;

(3) Reference to the part(s) and section(s) of this subchapter B as listed in paragraph (b) of this section under which the application is made for a permit or permits, together with any additional justification, including supporting documentation as required by the referenced part(s) and section(s);

(4) If the requested permitted activity involves the import or re-export of wildlife or plants from or to any foreign country, and the country of origin, or the country of export or re-export restricts the taking, possession, transportation, exportation, or sale of wildlife or plants, documentation as indicated in § 14.52(c) of this subchapter B;

(5) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.

(6) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(7) Date;

(8) Signature of the applicant; and

(9) Such other information as the Director determines relevant to the processing of the application.

(b) *Additional information required on permit applications.* As stated in paragraph (a)(3) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of this subchapter B cited after the type of permit for which application is being made:

<u>Type of permit</u>	<u>Section</u>
Feather import quota [Wild bird conservation]	15.22
Importation or entry ...	15.25
Injurious wildlife	
Importation or shipment ...	16.22
Endangered wildlife and plant permits:	
Similarity of appearance ...	17.52
Scientific, enhancement of propagation or survival, incidental taking for wildlife...	17.22
Scientific, propagation, or survival for plants ...	17.62
Economic hardship for wildlife ...	17.23
Economic hardship for plants ...	17.63
Threatened wildlife and plant permits:	
Similarity of appearance ...	17.52
General for wildlife ...	17.32
American alligator--buyer or tanner...	17.42(a)



General for plants .....	17.72
Marine mammals permits:	
Scientific research .....	18.31
Public display .....	18.31
Endangered Species Convention permits...	23.15

## **Subpart C -- Permit Administration**

### **§ 13.21 Issuance of permits.**

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 13.4, is inserted into the official file of the Bureau. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 10.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless:

(1) The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility.

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife or plant population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) *Disqualifying factors.* Any one of the following will disqualify a person from receiving permits issued under this Part.

(1) A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Director in response to a written petition.

(2) The revocation of a permit for reasons found in §13.28 (a)(1) or (a)(2) disqualifies any such person from receiving or exercising the privileges of a similar permit for a period of five years from the date of the final agency decision on such revocation.

(3) The failure to pay any required fees or assessed costs and penalties, whether or not reduced to judgement disqualifies such person from receiving or exercising the privileges of a permit as long as such moneys are owed to the United States. This requirement shall not apply to any civil penalty presently subject to administrative or judicial appeal; provided that the pendency of a collection action brought by the United States or its assignees shall not constitute an appeal within the meaning of this subsection.

(4) The failure to submit timely, accurate, or valid reports as required may disqualify such person from receiving or exercising the privileges of a permit as long as the deficiency exists.

(d) *Use of supplemental information.* The issuing officer, in making a determination under this subsection, may use any information available that is relevant to the issue. This may include any prior conviction, or entry of a plea of guilty or nolo contendere, or assessment of civil or criminal penalty for a violation of any Federal or State law or regulation governing the permitted activity. It may also include any prior permit revocations or suspensions, or any reports of State or local officials. The issuing officer shall consider all relevant facts or information available, and may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.

(e) *Conditions of issuance and acceptance.* (1) Any permit automatically incorporates within its terms the conditions and requirements of Subpart D of this part and of any part(s) or section(s) specifically authorizing or governing the activity for which the permit is issued.

(2) Any person accepting and holding a permit under this Subchapter B acknowledges the necessity for close regulation and monitoring of the permitted activity by the Government. By accepting such permit, the permittee consents to and shall allow entry by agents or employees of the Service upon premises where the permitted activity is conducted at any reasonable hour. Service agents or employees may enter such premises to inspect the location; any books, records, or permits required to be kept by this Subchapter B; and any wildlife or plants kept under authority of the permit.

(f) *Term of permit.* Unless otherwise modified, a permit is valid during the period specified on the face of the permit. Such period shall include the effective date and the date of expiration.

(g) *Denial.* The issuing officer may deny a permit to any applicant who fails to meet the issuance criteria set forth in this section or in the part(s) or section(s) specifically governing the activity for which the permit is requested.

### **§ 13.22 Renewal of permits.**

(a) *Application for renewal.* Applicants for renewal of a permit must submit a written application at least 30 days prior to the expiration date of the permit. Applicants must certify in the form required by § 13.12(a)(5) that all statements and

information in the original application remain current and correct, unless previously changed or corrected. If such information is no longer current or correct, the applicant must provide corrected information.

(b) *Renewal criteria.* The Service shall issue a renewal of a permit if the applicant meets the criteria for issuance in § 13.21(b) and is not disqualified under § 13.21(c).

(c) *Continuation of permitted activity.* Any person holding a valid, renewable permit, who has complied with this section, may continue the activities authorized by the expired permit until the Service has acted on such person's application for renewal.

(d) *Denial.* The issuing officer may deny renewal of a permit to any applicant who fails to meet the issuance criteria set forth in § 13.21 of this part, or in the part(s) or section(s) specifically governing the activity for which the renewal is requested.

#### **§ 13.23 Amendment of permits.**

(a) *Permittee's request.* Where circumstances have changed so that a permittee desires to have any condition of his permit modified, such permittee must submit a full written justification and supporting information in conformity with this part and the part under which the permit was issued.

(b) *Service reservation.* The Service reserves the right to amend any permit for just cause at any time during its term, upon written finding of necessity.

(c) *Change of name or address.* A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit.

#### **§ 13.24 Right of succession by certain persons.**

(b) In order to secure the right provided in this section the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

(CFR 10/1/97)

## FALCONRY STANDARDS AND RAPTOR PROPAGATION PERMITS EXCERPTS FROM 50 CFR 21 -- MIGRATORY BIRD PERMITS

### Subpart C -- Specific Permit Provisions

#### § 21.29 Federal falconry standards.

(a) *General.* No person may take, possess, transport, sell, purchase, barter, or offer to sell, purchase, or barter any raptor for falconry purposes in any State which does not allow the practice of falconry or in any State which has not certified to the Director that its laws or regulations governing the practice of falconry meet or exceed the Federal falconry standards set forth in this section: Except, a Federal falconry permittee may possess and transport for falconry purposes otherwise lawfully possessed raptors through States which do not allow the practice of falconry or meet Federal falconry standards so long as the raptors remain in transit in interstate commerce. The States that have submitted certification to the Director are listed in paragraph (k) of this section.

(b) *More restrictive State laws.* Nothing in this section shall be construed to prevent a State from making and enforcing laws or regulations not inconsistent with the standards contained in any convention between the United States and any foreign country for the protection of raptors or with the Migratory Bird Treaty Act, and which shall give further protection to raptors.

(c) *Certification of compliance.* Any State that wishes to allow the practice of falconry must certify to the Director that its laws or regulations governing the practice of falconry meet or exceed the Federal standards established by this section, *Provided*, That any State that previously submitted its laws or regulations for review by the Director and was listed in paragraph (k) of this section prior to September 14, 1989, shall be deemed to have met this requirement. When a State certifies to the Director that its laws or regulations meet or exceed these Federal standards, a notice will be published in the FEDERAL REGISTER and the State will be listed in paragraph (k) of this section.

(d) *Permit.* State laws or regulations shall provide that a valid State falconry permit from either that State or another State meeting Federal falconry standards and listed in paragraph (k) of this section is required before any person may take, possess, or transport a raptor for falconry purposes or practice falconry in that State.

(e) *Classes of permits.* States may have any number of classes of falconry permits provided the standards are not less restrictive than the following:

(1) *Apprentice (or equivalent) class.* (i) Permittee shall be at least 14 years old;

(ii) A sponsor who is a holder of a General or Master Falconry Permit or equivalent class is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time;

(iii) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period; and

(iv) Permittee shall possess only the following raptors which must be taken from the wild: an American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*), a red-shouldered hawk (*Buteo lineatus*), or, in Alaska only, a goshawk (*Accipiter gentilis*).

(2) *General (or equivalent) class.* (i) A permittee shall be at least 18 years old;

(ii) A permittee shall have at least two years' experience in the practice of falconry at the apprentice level or its equivalent;

(iii) A permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period; and

(iv) A permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in part 17 of this subchapter.

(3) *Master (or equivalent) class.* (i) An applicant shall have at least five years experience in the practice of falconry at the general class level or its equivalent.

(ii) A permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period;

(iii) A permittee may not take any species listed as endangered in part 17 of this chapter, but may transport or possess such species in accordance with part 17 of this chapter.

(iv) A permittee may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing under § 22.24 of this subchapter;

(v) A permittee may not take, in any twelve (12) month period, as part of the three-bird limitation, more than one raptor listed as threatened in part 17 of this chapter, and then only in accordance with part 17 of this chapter.

(f) *Examination.* State laws or regulations shall provide that before any State falconry permit is issued the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination provided or approved by the Service and administered by the State, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter.

(g) *Facilities and equipment.* State laws or regulations shall provide that before a State falconry permit is issued the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the State wildlife department as meeting the following standards:

(1) *Facilities*. The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(2) *Equipment*. The following items shall be in the possession of the applicant before he can obtain a permit or license:

(i) Jesses -- At least 1 pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional 1-piece jesses may be used on raptors when not being flown.);

(ii) Leashes and swivels -- At least 1 flexible, weather-resistant leash and 1 strong swivel of acceptable falconry design;

(iii) Bath container -- At least 1 suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches -- At least 1 weathering area perch of an acceptable design shall be provided for each raptor; and

(v) Weighing device -- A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than ½ ounce (15 gram) shall be provided.

(3) *Maintenance*. All facilities and equipment shall be kept at or above the preceding standards at all times.

(4) *Transportation; temporary holding*. A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

(h) *Marking*. All peregrine falcons (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), and Harris hawk (*Parabuteo unicinctus*) possessed for falconry purposes must be marked in accordance with the following provisions:

(1) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*), except a captive bred raptor lawfully marked by a numbered, seamless band issued by the Service, must be banded with a permanent, non-reusable, numbered band issued by the Service.

(2) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) possessed for falconry purposes must be banded at all times in accordance with these standards. Loss or removal of any band must be reported to the issuing office within five (5) working days of the loss and must be replaced with a permanent, non-reusable, numbered band supplied by the Service.

(i) *Taking restrictions*. State laws or regulations shall provide the following restrictions on the taking of raptors from the wild:

(1) Young birds not yet capable of flight (eyasses) may only be taken by a General or Master Falconer during the period specified by the State and no more than two eyasses may be taken by the same permittee during the specified period.

(2) First-year (passage) birds may be taken only during the period specified by the State;

(3) In no case shall the total of all periods of taking of eyasses or passage birds exceed 180 days during a calendar year, except that a marked raptor may be retrapped at any time; and

(4) Only American kestrels (*Falco sparverius*) and great-horned owls (*Bubo virginianus*) may be taken when over one year old, except that any raptor other than endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

(j) *Other restrictions*. State laws or regulations shall provide the following restrictions or conditions:

(1) A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and cannot be replaced if death, loss, release, or escape occurs.

(2) A person who possesses raptors before the enactment of these regulations, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors. All such birds shall be identified with markers supplied by the Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

(3) A falconry permit holder shall obtain written authorization from the appropriate State wildlife department before any species not indigenous to that State is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the State wildlife department. The marker from an intentionally released bird which is indigenous to that State shall also be removed and surrendered to the State wildlife department. A standard Federal bird band shall be attached to such birds by the State or Service-authorized Federal bird bander whenever possible.

(4) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record

and by a signed, dated statement from the permittee authorizing the temporary possession.

(5) Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

### **§ 21.30 Raptor propagation permits.**

(a) *Permit requirement.* A raptor propagation permit is required before any person may take, possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.

(b) *Application procedures.* Applications for raptor propagation permits must be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this chapter). Each application must contain the general information and certification required by § 13.12(a) of this chapter, plus the following additional information:

(1) A statement indicating the purpose(s) for which a raptor propagation permit is sought and, where applicable, the scientific or educational objectives of the applicant;

(2) A statement indicating whether the applicant has been issued a State permit authorizing raptor propagation (include name of State, permit number, and expiration date);

(3) A statement fully describing the nature and extent of the applicant's experience with raptor propagation or handling raptors;

(4) A description of each raptor the applicant possesses or will acquire for propagation purposes to include the species, age (if known), sex (if known), date of acquisition, source, and raptor marker number;

(5) A description of each raptor the applicant possesses for purposes other than raptor propagation to include the species, age (if known), sex (if known), date of acquisition, source, raptor marker number, and purpose for which it is possessed;

(6) A description and photographs of the facilities and equipment to be used by the applicant including the dimensions of any structures intended for housing the birds;

(7) A statement indicating whether the applicant requests authority to take raptors or raptor eggs from the wild.

(c) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b) of this section, the Director will decide whether a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this chapter, the following factors:

(1) Whether an applicant's raptor propagation facilities are adequate for the number and species of raptors to be held under the permit.

(2) Whether propagation is authorized by the State in which the propagation will occur, and if authorized, whether the applicant has any required State propagation permit.

(3) Whether the applicant is at least 18 years old with a minimum of 2 years experience handling raptors, and if the applicant requests authority to propagate endangered or threatened species, whether the applicant is at least 23 years old with a minimum of 7 years experience handling raptors.

(4) If the applicant requests authority to take raptors or raptor eggs from the wild:

(i) Whether issuance of the permit would have a significant effect on any wild population of raptors;

(ii) Whether suitable captive stock is available; and

(iii) Whether wild stock is needed to enhance the genetic variability of captive stock.

(d) *Additional permit conditions.* In addition to the general conditions found in part 13 of this chapter, raptor propagation permits are subject to the following additional conditions:

(1) *Facilities.* Any tethered raptor possessed under this permit must be maintained in accordance with the Federal falconry standards for "facilities and equipment" described in § 21.29(g), unless a specific exception in writing is obtained. For untethered raptors, the breeding facilities must be soundly constructed and entirely enclosed with wood, wire netting, or other suitable material which provides a safe, health, environment. The design of such facilities and ancillary equipment must:

(i) Minimize the risk of injury by providing protection from predators, disturbances that would likely cause harm, extreme weather conditions, and collision with interior or perimeter construction materials and equipment such as support poles, windows, wire netting, perches, or lights;

(ii) Enhance sanitation by providing a well-drained floor, fresh air ventilation, source of light, fresh water for bathing and drinking, access for cleaning, and interior construction materials suitable for thorough cleaning or disinfection; and

(iii) Enhance the welfare and breeding success of the raptors by providing suitable perches, nesting and feeding sites, and observation ports or inspection windows during times when disturbance is felt to be undesirable.

(2) *Incubation of eggs.* Each permittee must notify the Director in writing within 5 days from the day the first egg is laid by any raptor held under a raptor propagation permit, but notice is not required more often than once every 60 days.

(3) *Marking requirement.* Unless otherwise specifically exempted, every raptor possessed for propagation, including all progeny produced pursuant to the permitted activity, must be banded in accordance with the following provisions:

(i) Except for captive-bred raptors lawfully marked with a seamless, numbered band provided by the Service, any raptor possessed for propagation purposes shall be banded with a permanent, non-reusable, numbered band issued by the Service.

(ii) Unless specifically exempted by the conditions of the raptor propagation permit, each captive-bred raptor produced under authority of a raptor propagation permit shall be banded within two (2) weeks of hatching with a numbered, seamless band provided by the Service, placed on the raptor's leg (metatarsus). In marking captive-bred raptors, permittees:

- (A) Shall use a band with an opening (inside diameter) which is small enough to prevent its removal when the raptor is fully grown without causing serious injury to the raptor or damaging the bands integrity or one-piece construction;
- (B) May band a raptor with more than one size band when the potential diameter of the raptor's leg at maturity cannot be determined at the time of banding;
- (C) Shall remove all but one band from any raptor with more than one band before the raptor is five (5) weeks of age and return all bands removed to the issuing office.
- (iii) No raptor taken from the wild, produced from an egg taken from the wild, or produced from an egg from any source other than bred in captivity under authority of a raptor propagation permit may be banded with a numbered seamless band issued by the Service.
- (iv) No permittee under this section may band any raptor with any band issued or authorized by the Service unless that raptor is lawfully possessed by the permittee.
- (4) *Taking Raptors or Raptor Eggs from the Wild.* Any permit authorizing the permittee to take raptors or raptor eggs from the wild for propagation purposes is subject to the following additional restrictions:
- (i) The State or foreign country in which the raptors or raptor eggs are taken must authorize the permittee in writing to take raptors or raptor eggs from the wild for propagation purposes;
- (ii) No raptor listed in § 17.11 of this chapter as “endangered” or “threatened” may be taken from the wild without first obtaining the proper permit under part 17 of this chapter; and
- (iii) No raptor or raptor egg may be taken from the wild except in accordance with State law.
- (5) *Transfer, purchase, sale, or barter of raptors, raptor eggs, or raptor semen.* (i) A permittee may transfer any lawfully possessed raptor, raptor egg, or raptor semen to another permittee or transfer any raptor to a falconer who holds a valid State falconry permit if no money or other consideration is involved.
- (ii) A permittee may transfer, purchase, sell, or barter any raptor which is banded with a numbered seamless marker provided or authorized by the Service, subject to the following conditions:
- (A) When the permittee purchases from, sells to, or barter with any person in the U.S., that person must be authorized under this part to purchase, sell, or barter captive-bred raptors;
- (B) When the permittee purchases from or barter with any person in a foreign country, that person must be authorized by the competent wildlife management authority of the foreign country in which the transaction occurs to sell or barter captive-bred raptors; and
- (C) When the permittee transfers to, sells to or barter with any person in a foreign country, that person must be authorized to possess, purchase or barter captive-bred raptors by the competent wildlife management authority of his/her country of residence or domicile and the same wildlife management authority must certify in writing that the recipient is an experienced falconer or raptor propagator who is required to maintain any raptors in his/her possession under conditions that are comparable to the conditions under which a permittee must maintain raptors under § 21.29 or § 21.30. No certification is required if the competent wildlife management authority itself is the recipient of captive-bred raptors for conservation purposes.
- (iii) No raptor may be traded, transferred, purchased, sold, or bartered until it is two weeks old and only after it is properly banded with a nonreusable marker provided or authorized by the Service, unless it is transferred, sold, or bartered to a State or Federal wildlife management agency for conservation purposes.
- (iv) A permittee may purchase, sell, or barter semen collected from any captive-bred raptor.
- (v) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.
- (6) *Use of Service form 3-186A.* No permittee may take, purchase, receive, or otherwise acquire, sell, trade, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transfer. *Provided,* That a permittee does not have to submit a form 3-186A (Migratory Bird Acquisition/Disposition Report) to report the acquisition raptors hatched from eggs produced as a result of the permittee's propagation activities as long as these raptors remain in the possession of the permittee.
- (7) *Documentation of lawful possession.* No raptor may be possessed under authority of a raptor propagation permit unless the permittee has a properly completed form 3-186A (Migratory Bird Acquisition/Disposition Report) for each bird possessed, except as provided in paragraph (d)(5) of this section.
- (8) *Temporary possession.* A raptor possessed under authority of a raptor propagation permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.
- (9) *Sale, purchase, barter.* A permittee may not sell, purchase, barter, or offer to sell, purchase, or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.
- (10) *Transfer to another.* A permittee may not receive or otherwise acquire from, may not transfer or otherwise dispose of to, and may not loan to or temporarily place with another person any raptor unless that person is authorized to acquire, possess, and

dispose of such raptors under a valid permit issued pursuant to this part and Part 13 or as permitted by regulations in this part.

(11) *Use in falconry.* A permittee may use a raptor possessed for propagation in the sport of falconry only if such use is designated in both the propagation permit and the permittee's falconry permit.

(12) *Interspecific hybridization.* Hybridization between species (interspecific hybridization) is authorized only if each raptor produced by interspecific hybridization is either imprinted on humans (hand-raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered) or surgically sterilized.

(13) *Possession of dead raptors, non-viable eggs, nests, and feathers.* (i) Upon the death of any raptor held under permit, a permittee must remove the marker and immediately return it to the Director. The carcass must be destroyed immediately, unless the permittee requests authorization from the Director to retain possession of it. A permittee who has obtained written authorization from the Director to retain possession of the carcass may transfer it to any other person authorized by the Service to possess it, provided no money or other consideration is involved.

(ii) A permittee may possess addled or blown eggs, nests, and feathers from raptors held under permit and may transfer any of these items to any other person authorized by the Service to possess them provided no money or other consideration is involved.

(14) *Intentional release to the wild.* (i) A permittee must obtain written authorization from the Director and the Director of the wildlife conservation department of the State in which release to the wild is proposed before intentionally releasing any raptor to the wild. The raptor marker must be removed from each bird and immediately returned to the Director. A Federal bird band must be attached to each raptor by a person designated by the Director before its release.

(ii) No raptor produced by interspecific hybridization may be intentionally released to the wild.

(15) *Recordkeeping.* A permittee must maintain complete and accurate records of all operations, to include the following:

(i) Acquisition of raptors, eggs, or semen from sources other than production.

(A) Description of stock: (1) Species, sex, age of each (if applicable), (2) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and (3) Marker number (if applicable).

(B) Type of stock (including number or amount): (1) Semen, (2) Egg, or (3) Bird.

(C) How acquired: (1) Purchase, barter, or transfer (include the purchase price or a description of any other consideration involved), or (2) Taken from the wild.

(D) Date acquired: month, day, and year.

(E) From whom or where stock acquired: (1) Name, address, and permit number of seller, barterer, or transferor; or (2) Location where stock taken from the wild.

(ii) Disposition of raptors, eggs, or semen.

(A) Description of stock: (1) Species, sex, age of each (if applicable), (2) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and (3) Marker number (if applicable).

(B) Type of stock (including number or amount): (1) Semen, (2) Egg, or (3) Bird.

(C) Manner of disposition: (1) Sale, barter, or transfer (include the sale price or a description of any other consideration involved), (2) Live loss, (3) Intentional release to the wild, or (4) Death.

(D) Date of disposition: month, day, and year.

(E) To whom or where stock disposed: (1) Name, address, and permit number of purchaser, barterer, or transferee, or (2) Description and location of other disposition.

(iii) Production and pedigree record.

(A) Mother and father(s): (1) Species, (2) Genotype-natal area, and (3) Marker number.

(B) Insemination: (1) Natural, (2) Artificial, or (3) Combined.

(C) Eggs laid: (1) Total, (2) First date, and (3) Last date.

(D) Eggs hatched: (1) Total, (2) First date, and (3) Last date.

(E) Young raised to 2 weeks of age: (1) Total produced, and (2) Marker number and date marked for each raptor.

(16) *Annual report.* A permittee must submit an annual report by January 31 of each year for the preceding year to the Director. The report must include the following information for each species possessed by the permittee:

(i) Number of raptors possessed as of December 31 (including the species, marker number, sex, and age of each raptor).

(ii) Number of females laying eggs.

(iii) Number of eggs laid.

(iv) Number of eggs hatched.

(v) Number of young raised to 2 weeks of age.

(vi) Number of raptors purchased, sold, bartered, received, or transferred (including the species, marker number, sex, and age of each raptor) the date of the transaction, and the name, address and permit number of each purchaser, seller, barterer, transferor, or transferee.

(e) *Term of permit.* A raptor propagation permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.





## **EXCEPTIONS, PERMITS, AND CERTIFICATIONS -- EXCERPTS FROM 50 CFR 23 -- ENDANGERED SPECIES CONVENTION**

### **Subpart A -- Introduction**

#### **§ 23.1 Purpose of regulations.**

(a) The regulations in this part implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

(b) The regulations identify those species of wildlife and plants included in appendix I, II or III to the Convention.

#### **§ 23.2 Scope of regulations.**

(a) The regulations of this part apply only to wildlife and plants listed in appendix I, II or III to the Convention, listed herein in § 23.23 for the convenience of the public. It should be noted that many species listed in appendix I, II or III are also listed in part 17 (endangered and threatened species) or part 18 (marine mammals), and are subject to additional regulations in those parts or in part 216 (marine mammals) or parts 217-225 (endangered and threatened species) for species under jurisdiction of the National Marine Fisheries Service.

#### **§ 23.3 Definitions.**

In addition to the definitions contained in parts 10 and 17 of this subchapter, and unless the context requires otherwise, in this part:

*Appendix I* means the list of wildlife and plants called "Appendix I" and attached to the Convention (see § 23.23 for the list).

*Appendix II* means the list of wildlife and plants called "Appendix II" and attached to the Convention (see § 23.23 for the list).

*Appendix III* means the list of wildlife and plants called "Appendix III" and attached to the Convention (see § 23.23 for the list).

*Convention* means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

*Management Authority* means a national management authority officially designated by a party to implement the present Convention, including the granting of permits or certificates for Convention purposes on behalf of the party.

*Party* means a country for which the Convention has entered into force, by virtue of ratification or accession.

*Re-export* means export of wildlife or plants that have previously been imported.

*United States* means all of the several states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

#### **§ 23.4 Parties to the Convention.**

[A list of the names and addresses of the management authorities for specific countries is available from the Office of Management Authority, U.S. Fish and Wildlife, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, 1(800) 358-2104 upon request.]

### **Subpart B -- Prohibitions, Permits and Exceptions**

#### **§ 23.11 Prohibitions.**

(a) Unless the requirements in this part 23 are met, or one of the exceptions in this part 23 is applicable, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in paragraphs (b) through (d) of this section.

(b) *Import.* (1) It is unlawful to import into the United States any wildlife or plant listed in appendix I, II or III (see § 23.23) from any foreign country.

(2) It is unlawful to import directly into the United States any wildlife or plant listed in appendix I or II (see § 23.23) taken from the sea beyond the jurisdiction of any country.

(c) *Export.* It is unlawful to export from the United States any wildlife or plant listed in appendix I, II or III (see § 23.23).

(d) *Re-export.* It is unlawful to re-export from the United States any wildlife or plant listed in appendix I, II or III (see § 23.23).

(e) *Possession.* It is unlawful for any person subject to the jurisdiction of the United States to possess any wildlife or plant listed in appendix I, II or III imported into the United States, or exported or re-exported from the United States contrary to the provisions of the Convention or this part 23.

#### **§ 23.12 Requirements.**

(a) *Import -- (1) Appendix I.* (i) In order to import into the United States any wildlife or plant listed in Appendix I from any foreign country, a United States import permit, issued pursuant to § 23.15, and a valid foreign export permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in appendix I taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to § 23.15 must be obtained prior to such importation.

(2) *Appendix II.* (i) In order to import into the United States any wildlife or plant listed in appendix II from any foreign country, a valid foreign export permit issued by the country of origin, or a valid foreign re-export certificate issued by the country of re-export, must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in Appendix II taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to § 23.15, must be obtained prior to such importation.

(3) *Appendix III.* (i) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has listed such animal or plant in appendix III, a valid foreign export permit or re-export certificate issued by such country must be obtained prior to such importation.

(ii) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has not listed such wildlife or plant in appendix III, a valid foreign certificate of origin or foreign re-export certificate must be obtained prior to such importation.

(b) *Export or re-export -- (1) Appendices I and II.* In order to export or re-export from the United States any wildlife or plant listed in appendix I or II, a United States export permit or re-export certificate, issued pursuant to § 23.15, must be obtained prior to such exportation or re-exportation.

(2) *Appendix III.* (i) In order to export or re-export from the United States any wildlife or plant listed in appendix III by the United States, a United States export permit or re-export certificate issued pursuant to § 23.15, must be obtained prior to such exportation or re-exportation.

(ii) In order to export or re-export from the United States any wildlife or plant listed in appendix III that has not been listed by the United States, a re-export certificate or certificate of origin, issued pursuant to § 23.15, must be obtained prior to such exportation or re-exportation.

### **§ 23.13 Exceptions.**

(a) If any wildlife or plant listed in appendix I, II or III is also subject to the regulations in part 17 or part 18 of this subchapter, the prohibitions and exceptions in those parts and in part 23 shall apply. Exceptions in one part cannot be invoked to allow activities prohibited in another part.

(b) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plant listed in appendix I, II or III that are being transshipped through the United States provided such wildlife or plants remain in Customs custody.

(c) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of origin or the country of re-export to the effect that the wildlife or plant was acquired prior to the date the Convention applied to it. See § 23.15 for rules on the issuance of such certificates.

(d) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants that are accompanying personal baggage or part of a shipment of the household effects of persons moving their residences to or from the United States: *Provided*, That this exception shall not apply to:

(1) Importation by U.S. residents of wildlife or plants listed in appendix I that were acquired outside the United States; or

(2) Importation by U.S. residents of wildlife or plants listed in appendix II that were taken from the wild in a foreign country, if that country requires export permits.

(e) Wildlife or plants listed in appendix I that have been bred in captivity or artificially propagated, for commercial activities, shall be treated as if listed in appendix II.

(f) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of export to the effect that the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom. See § 23.15 for rules on the issuance of such certificates.

(g) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material when they are imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions that have been registered by a management authority of their country, and when a label issued or approved by such management authority is clearly affixed to the package or container. See § 23.15 for rules on registration and issuance or approval of labels.

### **§ 23.14 Foreign documentation.**

(a) *Party countries.* Only export permits, re-export certificates, certificates of origin, or other certificates issued and signed by a management authority will be accepted as a valid foreign document from a country that is a party to the Convention.

(b) *Countries that are not parties.* The requirements in this part 23 apply to all wildlife and plants listed in appendix I, II or III to the Convention, whether the shipment is to or from a country that is party to the Convention, or to or from any other country. In the case of a shipment from a country not party to the Convention, documents containing information corresponding to that

required by the regulations in this part 23 may be accepted. Such documents may be in the form of an export or import permit, a letter from the proper authority, or any other form that clearly indicates the nature of the document. Such documents must:

(1) Be issued by an official of the country responsible for authorizing the export of such wildlife or plants;

(2) Specify the species (or taxa to the rank listed in appendix I, II or III) and give the numbers of wildlife or plants covered by the document; and

(3) Contain the following statement or its equivalent:

I, \_\_\_\_\_, (Signing official), hereby certify that the shipment of wildlife or plants covered by this document is in accordance with the laws of \_\_\_\_\_ (Country), will not be detrimental to the survival of the species in the wild, and, if living, will be transported in a manner which will minimize the risk of injury, damage to health, or cruel treatment.

### **§ 23.15 Permits and Certificates.**

(a) In order to import, export or re-export wildlife or plants listed in appendix I, II or III that are also listed as endangered or threatened and subject to regulations in part 17 of this subchapter, the requirements in both part 17 and part 23 must be met. A single application meeting the appropriate application requirements in part 17 will also meet the application requirements in part 23.

(b) In order to import wildlife listed in appendix I, II or III that are marine mammals subject to regulations in part 18 of this subchapter, the requirements in both part 18 and part 23 must be met. A single application meeting the application requirements in part 18 will also meet the application requirements in part 23.

(c) Application requirements for permits or certificates to import, export or re-export wildlife or plants listed in appendix I, II or III that are not subject to the regulations in part 17 or part 18 of this subchapter. Applications for permits or certificates under this section must be submitted to the Director by any person subject to the jurisdiction of the United States who wishes to engage in the activity. Each application must be submitted on an official application form (Form 3-200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter, and must include, as an attachment, as much of the following information as relates to the purpose for which the applicant is requesting a permit or certificate.

(1) The scientific and common names of the species (or taxa to the rank listed in appendix I, II or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried or embedded museum specimen or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(d) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a), (b) or (c) of this section, the Director will decide whether or not a permit or certificate should be issued. In making his decision, the Director shall consider in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the proposed import, export or re-export would be detrimental to the survival of the species;

(2) Whether the wildlife or plant was acquired lawfully;

(3) Whether any living wildlife or plant to be exported or re-exported will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;

(4) Whether any living wildlife or plant to be imported directly into the United States from the sea beyond the jurisdiction of

any country will be so handled as to minimize the risk of injury, damage to health or cruel treatment;

(5) Whether an import permit has been granted by a foreign country, in the case of proposed export or re-export from the United States of any wildlife or plant listed in Appendix I;

(6) Whether the proposed recipient of any living wildlife or plant listed in Appendix I to be imported into the United States is suitably equipped to house and care for such wildlife or plant;

(7) Whether any wildlife or plant listed in appendix I to be imported into the United States is to be used for primarily commercial activities; and

(8) Whether the evidence submitted is sufficient to justify an exception, in the case of (i) wildlife or plants that were acquired prior to the date the Convention applied to them; (ii) wildlife or plants that were bred in captivity or artificially propagated, or were part of or derived there from; or (iii) wildlife or plants that are herbarium specimens; other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a noncommercial loan, donation or exchange between scientists or scientific institutions.

(9) Whether in the case of wildlife or plants listed in Appendix II, they are the subject of a large volume of trade and are not necessarily threatened with extinction.

*(e) Permit or certificate conditions.* In addition to the general criteria set forth in part 13 of this subchapter, permits or certificates issued under this section shall be subject to the following special conditions:

(1) Any permit must be presented to a Service agent at a designated port of entry upon importation into the United States or prior to exportation or re-exportation from the United States:

(2) Where appropriate and feasible, the Service may require that an identifying mark be affixed upon any wildlife or plant;

(3) In the case of wildlife or plants that are herbarium specimens, other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. The letters "CITES" (acronym for the Convention), a description such as "herbarium specimens," and the code letters assigned by the Service to the scientist or scientific institution, must be entered on the Customs declaration form affixed to each package or container.

*(f) Duration of permits or certificates.* The duration of permits or certificates issued under this section shall be designated on the face of the permit or certificate, but in no case will export permits be valid for longer than six months.

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